

## JUDGE READE'S VOIR DIRE QUESTIONS

1. We understand that all of you have obligations and commitments at home and at work that are affected by jury service. We are not able to excuse everyone from jury service that requests to be. We are only able to excuse persons if jury service would cause a very severe personal hardship. The attorneys and I anticipate that the evidence in this case will come in over approximately \_\_\_\_ days. Jurors are typically here from 8:30 a.m. to 2:30 p.m. during the presentation of the evidence. After the evidence is concluded the jury will need time to deliberate. Jurors typically deliberate from 9 a.m. until 5 p.m. Assuming that your jury service would not last more than \_\_\_\_\_, is there anyone who thinks they would suffer a severe personal hardship if asked to serve on this jury?

2. Are any of you having difficulty hearing me? If so, please raise your hand? If at any time you have any difficulty hearing, please let me know so that we can try to accommodate you.

3. I am going to ask each attorney to stand as I call on them, introduce themselves and anyone seated at counsel table with them. I will ask the attorneys to state the names of anyone they practice law with. Jurors, please listen carefully because after each attorneys speaks, I am going to ask you to raise your hand if you know any of the attorneys or the parties to this case.

Mr./Ms. \_\_\_\_ please go first.

Do any of the jurors know attorney \_\_\_\_ or his client or anyone with whom he practices law?

Have any of you been represented by Mr. \_\_\_\_\_ or any member of his law firm?

4. Beginning with Mr./Ms. \_\_\_\_\_, please stand and list the names of any persons that might testify as a witness or be mentioned during the evidence. Again jurors please listen carefully because I am going to ask

you to raise your hand if you know any of the potential witnesses or any persons who may have had some connection with this case.

5. Have any of the jurors heard or read anything about this case? (After a show of hands, the prospective jurors will be interviewed outside the presence of the other jurors.

Most of you completed juror questionnaires and mailed those back to the Court. We appreciate that—it saves considerable time during jury selection if we don't have to ask all the questions on the form in court. Some people did not return their jury forms so we have to ask them some of the basic questions. With all jurors, there are some things we need to talk about in more detail.

6. (criminal case) Have any of you been a victim of a crime? Anything about your experience as a victim of a crime that would keep you from being a fair and impartial juror in this case?

7. (where the US is a party) Have any of you had a dispute with any government agency or government employee? Anything about that experience that would keep you from being a fair and impartial juror in this case ?

8. Now I am going to ask each of the jurors to stand, one at a time, and tell us 5 things: first state your name, then tell us your current address, tell us if you are employed and where, your spouses name if you are married and your spouse's occupation if your spouse is employed. If you or your spouse are retired or if you are currently unemployed, please tell us that and tell us what type of work you previously did.

9. Some of you have served on state or federal juries before. We are interested in your jury experience. I am going to go row by row and talk about this. Will those of you in the back row who have served on a jury please raise your hands.

What type of case—criminal or civil

State or federal court

What year

What was the case about

Did the jury deliberate to a verdict—what was the verdict

Is there anything about your prior jury experience that would keep you from being a fair and impartial juror in this case?

(criminal case) In the civil case you served on M..... do you remember the judge telling you that the plaintiff had to prove her case by a preponderance of the evidence (greater weight of the evidence). Do you understand that this is a criminal case—the United States has a heavier burden—the United States must prove its case beyond a reasonable doubt. Do you understand that? I will define what we mean by proof beyond a reasonable doubt a little later—but I wanted to draw your attention to the difference in the burdens of proof now.

10. (criminal case) Do you understand that during the trial you must presume the defendant is innocent and not guilty until or unless the United States produces evidence that proves his guilt beyond a reasonable doubt? Is there anyone that does not understand that?

11. (criminal case) Do you understand that during the trial the defendant does not have to prove he is not guilty—rather the government must prove him guilty beyond a reasonable doubt, if it can—and if the Government does not prove him guilty by evidence beyond a reasonable doubt you must find the defendant not guilty. Does anyone have any problem with the concept that a defendant is presumed innocent and not guilty? Will you hold the Government to its burden of proof?

12. (criminal case) A person accused of a crime does not have to present any evidence and he does not have to testify during the trial. This is one of the rights protected by the United State Constitution. The accused can present evidence and he can testify, but he does not have to do so and the

jury cannot hold it against him if he doesn't present evidence and if he doesn't testify. Does anyone disagree with that constitutional protection?

Mr. \_\_\_\_\_, if the defendant does not testify in this case is that going to make any difference to you in reaching a verdict?

13. (criminal case) If you are selected as a juror in the case you may hear the testimony of one or more law enforcement officers. Some of you indicated on your questionnaires that you have friends or relatives that are law enforcement officers. Do any of you believe that a law enforcement officer's testimony is entitled to greater weight than any other witness just because he is a law enforcement officer?

14. When you arrived at the Courthouse this morning you may have been handed a sheet of paper that says \_\_\_\_\_ at the top. Certainly this group has a right to hand out these materials and express their view on the court system. However, as jurors you are required to put aside the thoughts/comments in this document and follow the law that I give you. Is there anyone who would be inclined to follow the suggestions on this sheet of paper and not follow the instructions of the court?

15. (criminal case-controlled substances) This case involves controlled substances. Is there anyone who thinks they could not be fair to the government or to the defendant because of the subject matter of this case? If so, please raise your hand.

16. (criminal case-controlled substances) Do any of you, your family members or close friends have an addiction to controlled substances of any kind-prescription drugs, marijuana, cocaine, crack, methamphetamine, heroin, LSD, PCP, etc.

17. (criminal case-controlled substances) Have you, any family member or close friends been arrested or charged with possession or delivery of controlled substances?

18. If you are selected for this jury is there any reason you cannot or will not listen to the evidence and follow the instructions of this court to arrive at a verdict?